



GARY W. ERBECK  
DIRECTOR

## County of San Diego

### DEPARTMENT OF ENVIRONMENTAL HEALTH HAZARDOUS MATERIALS DIVISION

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JACK MILLER  
ASSISTANT DIRECTOR

July 24, 2008

Don Johnson  
Assistant Secretary  
California Environmental Protection Agency  
1001 I Street  
P. O. Box 2815  
Sacramento, CA 95812-2815

Dear Mr. Johnson:

The County of San Diego Department of Environmental Health, Hazardous Materials Division (DEH-HMD) was evaluated by the California Protection Agency Cal/EPA, the Department of Toxic Substances Control and the State Water Resources Control Board on April 23 and 24, 2008. The final evaluation report dated May 24, 2008 identified four deficiencies. To complete the evaluation process, Cal/EPA required a status report be sent to you every 90 days after the evaluation until all deficiencies have been corrected. This first status report indicates our progress toward correction of such deficiencies.

Sincerely,

J. M. VIZZIER, Chief  
Hazardous Materials Division

JMV/lms

Attachments

cc via email:

Ms. Marcele Christofferson  
State Water Resources Control Board  
P. O. Box 944212  
Sacramento, CA 94244-2102

Mr. Frederick Thomas  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 210  
Berkeley, CA 94710-2721

Mr. Kevin Graves  
State Water Resources Control Board  
P. O. Box 944212  
Sacramento, CA 94244-2102

Ms. Terry Brazell  
State Water Resources Control Board  
P. O. Box 944212  
Sacramento, CA 94244-2102

Mr. Charles McLaughlin  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, CA 95826-3200

Ms. Asha Arora  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 200  
Berkeley, CA 94710

Mr. Ben Ho  
Office of the State Fire Marshal  
P. O. Box 944246  
Sacramento, CA 94244-2460

Mr. Brian Abeel  
Governor's Office of Emergency Services  
P. O. Box 419047  
Rancho Cordova, CA 95741-9047

Ms. JoAnn Jaschke  
California Environmental Protection Agency  
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Mr. Gary Erbeck, Director  
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Mr. Michael Vizzier, Chief  
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Mr. Matt Trainor  
Hazardous Materials Division Program Coordinator  
Hazardous Materials Division  
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Ms. Gloria Estolano  
Supervising Environmental Health Specialist  
Hazardous Materials Division  
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Ms. Manon Maschue  
Environmental Health Specialist  
Hazardous Materials Division  
Department of Environmental Health  
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**2008 Unified Program Evaluation**  
**Deficiency Progress Report**

**CUPA:** County of San Diego CUPA  
Department of Environmental Health  
Hazardous Materials Division

**Evaluation Date:** April 23 and 24, 2008

**Evaluators:** JoAnn Jaschke, CalEPA  
Frederick Thomas, DTSC  
Marcele Christofferson, SWRCB

**Date Update 1 submitted:** Due July 24, 2008

**Deficiency 1:** Of the files reviewed, not all of the submittals required for a permit to operate, or other required submittals were found in all of the files. UPCFs are required to be retained for a minimum of five years. CUPAs are also required to collect, retain and manage any additional information required by state or federal law.

**Preliminary Corrective Action(s):** By June\* 24, 2008, the CUPA will provide an action plan for ensuring that submitted documents are incorporated into the files. The CUPA will update CalEPA on the implementation of this plan every 90 days.

\* NOTE FROM THE COUNTY OF SAN DIEGO CUPA: June 24 is an error and should be July 24, 2008.

**CUPA Corrective Action, (Update 1):**

The County of San Diego CUPA has implemented the following steps to correct this deficiency:

- In April 2008, DEH-HMD began requiring all UST facilities to replace existing monitoring plans with the new UPCF monitoring plan.
- In July 2008, the DEH-HMD sent a letter to all facilities with underground storage tanks (USTs) in the county, requesting owners and operators of UST systems to submit to the CUPA the new unified program consolidated forms developed by the State Water Resources Control Board to the CUPA by August 31, 2008. Owners and operators were advised that failure by businesses to submit these forms will result in non-renewal of the UST operating permit.

**Deficiency 2:** The CUPA is not ensuring that the facilities subject to the annual inventory submittal submit updated inventories or certify that there is no change in their inventory.

**Preliminary Corrective Action(s):** By July 24, 2008, the CUPA will develop and begin implementing an action plan for ensuring facilities have submitted updated inventories or certification that there is no change in their inventories. The CUPA will also update Cal/EPA on the progress of implementing the action plan, until Cal/EPA determines the deficiency has been corrected in the deficiency progress reports.

**CUPA Corrective Action, (Update 1):** The County of San Diego CUPA has implemented the following steps to correct this deficiency:

- In July 2008, the DEH-HMD sent a letter to all businesses identified as not having an updated inventory or certifying that there were no changes in their inventory, requesting updates to their inventory and emergency contacts as well as a signed certification statement. Letters included a summary of the business's chemical inventory and their emergency contact information.
- In July 2008, the DEH-HMD conducted training for all Environmental Health Specialists during its CUPA quarterly training session to address deficiencies encountered during the CUPA evaluation and the steps being taken to correct them. Sign up sheet and training agenda are attached to this report.
- To date, current HMBP certification statements have been received for 50% of all permitted agricultural sites in the County.

**Deficiency 3:** The CUPA is not citing violations in a manner consistent with the definitions of minor, Class II or Class I as provided in law and regulation.

**Preliminary Corrective Action(s):** By July 24, 2008, the CUPA will ensure that staff is trained and familiar with the statutory and regulatory definitions for the different hazardous waste violation classifications.

**CUPA Corrective Action, (Update 1):** The County of San Diego CUPA has implemented the following steps to correct this deficiency:

- In July 2008, the DEH-HMD conducted violation classification training for all Environmental Health Specialists during its CUPA quarterly training session. Sign-in sheet and training agenda are attached this report.
- In July 2008, the DEH-HMD started using the notice of violation form exclusively for Class I violations.
- In July 2008, the DEH-HMD drafted new language for the compliance inspection report to document corrective action for minor violations. Language has been submitted to County's legal counsel for evaluation and approval. Implementation of the new form is expected within the next 90 days.

**Deficiency 4:** The CUPA is inconsistently documenting that all facilities that have received a notice to comply citing minor violations have returned to compliance within 30 days of notification.

**Preliminary Corrective Action(s):** By May\* 24, 2008, the CUPA will ensure that facilities who are cited for minor violations during hazardous waste inspections have either submitted the CUPA's return to compliance form or its equivalent within the required corrective action date.

\* NOTE FROM THE COUNTY OF SAN DIEGO CUPA: May 24 is an error and should be July 24, 2008.

**CUPA Corrective Action, (Update 1):** The County of San Diego CUPA has implemented the following steps to correct this deficiency:

- In July 2008, the DEH-HMD conducted return to compliance training for all Environmental Health Specialists during its CUPA quarterly training session. Sign up sheet and training agenda are attached to this report.
- In July 2008, DEH-HMD reviewed its records to identify those facilities that are missing return to compliance documentation. An overdue report was designed to produce a list by specialist's route number.
- Report will be generated for all 30 inspection routes and will be sent to specialists on a quarterly basis to ensure that return to compliance is documented in the Kiva database system.



**COUNTY OF SAN DIEGO  
DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Division**

**CUPA Staff Quarterly Training Meeting**  
Tuesday July 8, 2008  
Marina Village – Coral Room  
1936 Quivira Way  
San Diego, CA 92109



		TOPIC	PRESENTER
7:30 a.m.	8:00 a.m.	Set Up and Networking	
8:00 a.m.	8:30 a.m.	Chief's Update (1002403-17)	Vizzier
8:30 a.m.	9:00 a.m.	Annual Certification (1000560-17)	Estolano
9:00 a.m.	9:15 a.m.	Office Assistant Update (1002403-17)	McKibben
9:15 a.m.	9:45 a.m.	EPCRA (1000560-17)	McCabe
9:45 a.m.	10:00 a.m.	What I did not learn in training / EHS I to II process (1002403-17)	Ingmanson & Javid
10:00 a.m.	10:15 a.m.	BREAK	ALL
10:15 a.m.	10:45 a.m.	Updates / Aerosol Cans (1002403-17)	Hahn
10:45 a.m.	11:00 a.m.	Combining Waste streams / Inventory Guidance (1000559-17)	Kolb
11:00 a.m.	12:00 p.m.	City of San Diego – Fire Hazardous Materials Management (1000560- 17)	LARRY TRAME Fire Prevention Specialist
12:00 p.m.	1:00 p.m.	LUNCH	ALL
1:00 p.m.	2:30 p.m.	Violation Classification (1000561/559/560-17) <a href="http://www.calepa.ca.gov/Cupa/Documents/ViolationGuide.pdf">www.calepa.ca.gov/Cupa/Documents/ViolationGuide.pdf</a>	Vizzier
2:30 p.m.	2:45 p.m.	Break	ALL
2:45 p.m.	3:15 p.m.	RTC (1000561/559/560-17)	Trainor
3:15 p.m.	4:30 p.m.	UST: UST Files and Temporary Closure (1000561-17)	Price and Hansen

TIME TOTALS – KRONOS CODE →  
NEXT CUPA 1/4TLY: TENTATIVELY Oct 15, 2008

LOCATION: TO BE ANNOUNCED

1002403-17	2.3
1000559-17	1.0
1000560-17	2.7
1000561-17	2.0
1000558-17	0.0

SURVEY

**Cal/EPA's Response to the County of San Diego's  
Deficiency Progress Report (Update 1)**

**CUPA: County of San Diego, Department of Environmental Health  
Hazardous Materials Division**

**Date of Evaluation: April 23 and 24, 2008**

**Date Update 1 submitted: July 24, 2008**

**Cal/EPA, DTSC and SWRCB response**

Deficiency 1: The SWRCB evaluator is pleased with the progress the CUPA is making to correct this deficiency; however, the UPCF's are only part of the submittals that must be in the file. Other submittals required for a Permit to Operate include Financial Responsibility, Operator statement of compliance, Designated Operator assignment, Site Plan, Response Plan, etc. Many of these may have already been submitted and in the electronic file. Include in the correction plan a mechanism or procedure to review files to ensure that all the required submittals are accounted for, and how the newly submitted forms will be handled and incorporated into the files.

Deficiency 2: Cal/EPA feels the plan developed by the CUPA should address this deficiency. Cal/EPA will continue to monitor the progress being made to correct this deficiency. In the next deficiency progress report, please update Cal/EPA on the progress of receiving the required information from all of the regulated facilities not just permitted agricultural sites.

Deficiency 3: DTSC will continue to monitor the progress the CUPA is making towards correcting this deficiency until the new form is approved by the County's legal counsel and is being utilized by the CUPA.

Deficiency 4: The corrective action taken by the CUPA sufficiently correct this deficiency, not further updates are necessary for this deficiency.